

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Georgi Demetrov Nikolov and Christian Georgiev Demetrov, doing business as Western Eagle Shuttle and Marin Airport Transportation for authority to operate as a passenger stage corporation between points in Marin, San Francisco, Sonoma and Alameda Counties and the San Francisco, Oakland and San Jose International Airports and to establish a Zone of Rate Freedom.

Application 05-12-031  
(Filed December 28, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
DENYING MOTION TO WAIVE 30-DAY PROTEST  
PERIOD AND RECEIVE PROTEST**

**Summary**

The motion of Marin Door To Door, Inc., to waive the 30-day protest period and take certain other actions is denied for failure to show good cause as required by Rule 87 of the Commission's Rules of Practice and Procedure.

**Background**

Notice of the above-entitled application appeared in the Commission's Daily Calendar on December 28, 2005. The Calendar notice identified the applicants as Georgi Demetrov Nikolov and Christian Georgiev Demetrov d/b/a Western Eagle Shuttle and Marin Airport Transportation. No protests were filed during the 30-day protest period which expired on January 28, 2006. On February 17, 2006, Marin Door To Door, Inc., a certificated passenger stage

corporation, filed a protest of the application together with a motion to waive the 30-day protest period, receive the protest, and compel the applicants to comply with Rules 16, 21(f), and 21(k) of the Commission's Rules of Practice and Procedure. Applicants were formerly employed by Marin Door To Door, Inc.

### **Discussion**

The basis of the motion is the claim that although Marin Door To Door, Inc. and its attorney were aware that the application was forthcoming and were closely following notices in the Daily Calendar, they failed to notice this application because the spelling of the applicants' names differed in minor respects from the spelling of their names when employed by Marin Door To Door, Inc. In particular, the motion alleges that "Georgi Demetrov Nikolov" was known to the protestors as "Georgi Dimetrov Nikolov" and "Christian Georgiev Demetrov" was known to the protestors as "Hyristian Georgiev Dimetrov."

In assessing the credibility of this excuse, I note that the owners of Marin Door To Door, Inc. are themselves of Russian extraction and presumably familiar with variant English spellings of common Russian names and surnames. I further note that the words "Georgi," "Nikolov," "Georgiev," and "Western Eagle Shuttle" were all spelled as the protestors expected. I simply find it impossible to believe that if Marin Door To Door, Inc. was carefully following notices in the Daily Calendar, the minor orthographical differences alleged would have caused them to fail to notice the application.

The less-than-credible reasons advanced for failure to notice filing of the application do not constitute "good cause" to waive the 30-day protest period as required by Rule 87. Accordingly, the motion is denied.

**IT IS RULED** that the motion of Marin Door To Door, Inc. to waive the 30-day protest period, receive the protest, and compel applicants to comply with Rules 16, 21(f), and 21(k) of the Commission's Rules of Practice and Procedure is denied.

Dated May 10, 2006, at San Francisco, California.

/s/ KARL J. BEMESDERFER

Karl J. Bemederfer  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Waive 30-day Protest Period and Receive Protest on all parties of record in this proceeding or their attorneys of record.

Dated May 10, 2006, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda Pulmano

## **N O T I C E**

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